

Claim 27 has been amended to specify that the claimed “shape of a sports apparel or equipment manufacturer’s or distributor’s name” can also be as *“part of the shape, or as the shape or shapes,”* a sports apparel or equipment manufacturer’s or distributor’s name.

Claim 28 has been amended to make the following italicized additions to the claim: *“as part of the shape, or as the shape or shapes, a logo, a name, a symbol, a mascot of a school, [or of a] team, sport, event, company, corporation, geographic region, country, state, person, or organization.”*

New claim 29 is dependant on claim 21 and claims a shape that is as part of the shape, or as the shape or shapes, the name or number of a person or participant in an athletic contest or other event or activity.

New claim 30 is dependant on claim 21 and claims the application step of claim 21 wherein the said shape is as part of the shape, or as the shape or shapes, one or more of any of the following: (a) a sports apparel or equipment manufacturer’s or distributor’s logo; (b) a sports apparel or equipment manufacturer’s or distributor’s name; (c) a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization; or (d) the name or number of a person or participant in an athletic contest or other event or activity.

New independent claim 31 claims a method similar to the method described in independent claim 21, except that claim 31 claims a “shape or shapes bounded by an exterior boundary or boundaries, or an interior boundary or boundaries, or both, wherein the exterior boundary or boundaries, or the interior boundary or boundaries, or both,” that “is or are configured to provide communication.”

New claim 32 is identical to claim 22 except that it is dependant on claim 31.

New claim 33 is identical to claim 23 except that it is dependant on claim 31.

New claim 34 is identical to claim 24 except that it is dependant on claim 31.

New claim 35 is identical to claim 25 except that it is dependant on claim 31.

New claim 36 is dependant on claim 31 and claims a shape that is as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's logo.

New claim 37 is dependant on claim 31 and claims a shape that is as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's name.

New claim 38 is dependant on claim 31 and claims a shape that is as part of the shape, or as the shape or shapes, a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization.

New claim 39 is dependant on claim 31 and claims a shape that is as part of the shape, or as the shape or shapes, the name or number of a person or participant in an athletic contest or other event or activity.

New claim 40 is dependant on claim 31 and claims a shape that is as part of the shape, or as the shape or shapes, one or more of any of the following: (a) a sports apparel or equipment manufacturer's or distributor's logo; (b) a sports apparel or equipment manufacturer's or distributor's name; (c) a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization; or (d) the name or number of a person or participant in an athletic contest or other event or activity.

New independent claim 41 claims an eye black applied by a method similar to the method described in independent claim 31, except that the application step of claim 41 is performed using a stencil to apply the eye black to a human's cheek or cheeks.

New claim 42 is dependant on claim 41 and claims the method of claim 41 where the human is a participant in an athletic contest or other event or activity and the eye black is applied and removed within a few hours of the athletic contest or other event or activity.

New claim 43 is identical to claim 36 except that it is dependant on claim 41.

New claim 44 is identical to claim 37 except that it is dependant on claim 41.

New claim 45 is identical to claim 38 except that it is dependant on claim 41.

New claim 46 is identical to claim 39 except that it is dependant on claim 41.

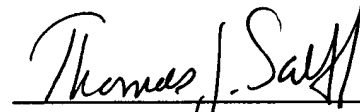
New claim 47 is identical to claim 40 except that it is dependant on claim 41.

None of the amendments or newly added claims introduces any new matter in the application. Prompt examination on the merits is requested.

Respectfully submitted,
HUNTON & WILLIAMS

Date: August 1, 2002

By:


Thomas J. Scott, Jr.
Registration No. 27,836

1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Ph. (202) 955-1500
Fax (202) 778-2201

APPENDIX A

Marked-Up Claims

21. **(Unchanged)** A method of reducing reflected light glare into a human's eyes from the human's cheeks, the method comprising the steps of:

applying underneath the human's eyes, on the human's cheeks, generally covering a location at which incident direct or indirect light is likely to be reflected in the human's eyes, a non-toxic material having a non-reflective colored and finished exterior surface having a wavelength falling outside of the range of wavelengths between 430 nm and 690 nm, and a shape formed within the exterior surface, wherein the shape has a color contrasting to the non-reflective color and is configured to provide communication, and wherein the non-toxic material comprises one of a decal and a temporary tattoo; and

removing the non-reflective material within a week after application of the non-reflective material.

22. **(Unchanged)** The method according to claim 21, wherein the material is a decal comprising a substrate, having top and bottom faces, the top face of the decal comprising the non-reflective material and the bottom face of the decal having a pressure sensitive adhesive thereon; wherein application of the material comprises applying the bottom face of the decal to the reflective cheek portion and pressing so that the adhesive holds the decal in place.

23. **(Unchanged)** The method of claim 21, wherein the non-reflective material has a wavelength falling outside of the range of wavelengths between 430 nm and 690 nm, thereby absorbing a substantial portion of light in the visible spectrum.

24. **(Amended)** The method of claim 21, wherein the human is a participant in an athletic contest or other event or activity, and wherein application is performed within a few

hours or less before the start of the athletic contest or other event or activity, so that the material substantially eliminates reflection of incident direct or indirect light off the participant's cheeks into the participant's eyes and removal is practiced within a few hours or less after the athletic contest or other event or activity is over.

25. **(Unchanged)** The method of claim 21, wherein the material is a temporary tattoo, provided on a substrate, the temporary tattoo provided on a top face of the substrate, the substrate having a bottom face, wherein application is practiced by cleaning a cheek where the temporary tattoo is to be applied, putting the temporary tattoo on the top face of the substrate on the reflective location of the human's cheek to which it is to be applied, wetting the bottom face of the substrate with water and pressing it into contact with the cheek for sufficient time for the temporary tattoo to adhere to the cheek, and sliding off the substrate from the temporary tattoo.

26. **(Amended)** The method of claim 21, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's logo.

27. **(Amended)** The method of claim 21, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's name.

28. **(Amended)** The method of claim 21, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a logo, a name, a symbol, or a mascot of a school, [or of a] team, sport, event, company, corporation, geographic region, country, state, person, or organization.

29. (New) The method of claim 21, wherein application is practiced to provide as part of the shape, or as the shape or shapes, the name or number of a person or participant in an athletic contest or other event or activity.

30. (New) The method of claim 21, wherein application is practiced to provide as part of the shape, or as the shape or shapes, one or more of any of the following:

- (a) a sports apparel or equipment manufacturer's or distributor's logo;
- (b) a sports apparel or equipment manufacturer's or distributor's name;
- (c) a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization; or
- (d) the name or number of a person or participant in an athletic contest or other event or activity.

31. (New) A method of reducing reflected light glare into a human's eyes from the human's cheeks, the method comprising the steps of:

applying underneath the human's eyes, on the human's cheeks, generally covering a location at which incident direct or indirect light is likely to be reflected in the human's eyes, a non-toxic material having a non-reflective colored and finished exterior surface having a wavelength falling outside of the range of wavelengths between 430 nm and 690 nm, and a shape or shapes bounded by an exterior boundary or boundaries, or an interior boundary or boundaries, or both, wherein the exterior boundary or boundaries, or the interior boundary or boundaries, or both, is or are configured to provide communication, and wherein the non-toxic material comprises one of a decal and a temporary tattoo; and

removing the non-reflective material within a week after application of the non-reflective material.

32. (New) The method according to claim 31, wherein the material is a decal comprising a substrate, having top and bottom faces, the top face of the decal comprising the non-reflective material and the bottom face of the decal having a pressure sensitive adhesive thereon; wherein application of the material comprises applying the bottom face of the decal to the reflective cheek portion and pressing so that the adhesive holds the decal in place.

33. (New) The method of claim 31, wherein the non-reflective material has a wavelength falling outside of the range of wavelengths between 430 nm and 690 nm, thereby absorbing a substantial portion of light in the visible spectrum.

34. (New) The method of claim 31, wherein the human is a participant in an athletic contest or other event or activity, and wherein application is performed within a few hours or less before the start of the athletic contest or other event or activity, so that the material substantially eliminates reflection of incident direct or indirect light off the participant's cheeks into the participant's eyes and removal is practiced within a few hours or less after the athletic contest or other event or activity is over.

35. (New) The method of claim 31, wherein the material is a temporary tattoo, provided on a substrate, the temporary tattoo provided on a top face of the substrate, the substrate having a bottom face, wherein application is practiced by cleaning a cheek where the temporary tattoo is to be applied, putting the temporary tattoo on the top face of the substrate on the reflective location of the human's cheek to which it is to be applied, wetting the bottom face of the substrate with water and pressing it into contact with the cheek for sufficient time for the temporary tattoo to adhere to the cheek, and sliding off the substrate from the temporary tattoo.

36. (New) The method of claim 31, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's logo.

37. (New) The method of claim 31, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's name.

38. (New) The method of claim 31, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization.

39. (New) The method of claim 31, wherein application is practiced to provide as part of the shape, or as the shape or shapes, the name or number of a person or participant in an athletic contest or other event or activity.

40. (New) The method of claim 31, wherein application is practiced to provide as part of the shape, or as the shape or shapes, one or more of any of the following:

(a) a sports apparel or equipment manufacturer's or distributor's logo;

(b) a sports apparel or equipment manufacturer's or distributor's name;

(c) a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization; or

(d) the name or number of a person or participant in an athletic contest or other event or activity.

41. (New) An eye black clearly demarcated predefined shape or shapes produced according to the method of:

(a) applying underneath a human's eyes, on the human's cheeks, generally covering a location at which incident direct or indirect light is likely to be reflected in the human's eyes, a non-toxic material having a non-reflective colored and finished exterior surface having a wavelength falling outside of the range of wavelengths between 430 nm and 690 nm, and clearly demarcated predefined shape or shapes bounded by an exterior boundary or boundaries, or an interior boundary or boundaries, or both, wherein the exterior boundary or boundaries, or the interior boundary or boundaries, or both, is or are configured to provide communication; and

(b) removing the non-toxic material within a week after application of the non-reflective material;

wherein step (a) is practiced by placing a stencil underneath one or both of the human's eyes and over the reflective location on a cheek, the stencil defining the clearly demarcated predefined shape or shapes, and then applying eye black to the cheek reflective location, and then removing the stencil; and wherein step (b) is practiced by wiping off the eye black, or washing it off with soap and water, or both wiping it off and washing it off.

42. (New) The method of claim 41, wherein the human is a participant in an athletic contest or other event or activity and wherein application is performed within a few hours or less before the start of the athletic contest or other event or activity, so that the eye black substantially eliminates reflection of incident direct or indirect light off the participant's cheeks into the participant's eyes and removal is practiced within a few hours or less after the athletic contest or other event or activity is over.

43. (New) The method of claim 41, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's logo.

44. (New) The method of claim 41, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a sports apparel or equipment manufacturer's or distributor's name.

45. (New) The method of claim 41, wherein application is practiced to provide as part of the shape, or as the shape or shapes, a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization.

46. (New) The method of claim 41, wherein application is practiced to provide as part of the shape, or as the shape or shapes, the name or number of a person or participant in an athletic contest or other event or activity.

47. (New) The method of claim 41, wherein application is practiced to provide as part of the shape, or as the shape or shapes, one or more of any of the following:

- (a) a sports apparel or equipment manufacturer's or distributor's logo;
- (b) a sports apparel or equipment manufacturer's or distributor's name;
- (c) a logo, a name, a symbol, or a mascot of a school, team, sport, event, company, corporation, geographic region, country, state, person, or organization; or
- (d) the name or number of a person or participant in an athletic contest or other event or activity.